

STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES

WASTE MANAGEMENT COUNCIL

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MAR 06 2006

APPEAL OF:
DR. RAE BARNHISEL
IN RE: GROUNDWATER MANAGEMENT PERMIT No. 199103027-T-001

DOCKET No. 05-20 WMC

MOTION TO CONTINUE

NOW COMES, the Intervenor, Town of Temple, by and through their attorneys, Cook and Molan, PA and moves to continue the Appeal Hearing currently scheduled for March 16, 2006 in the above captioned matter and states in support thereof as follows:

1. This matter was scheduled for an Appeal Hearing on March 16, 2006 by Notice dated February 16, 2006.
2. The Town of Temple ("Temple") received the Appeal Hearing Notice at or about the same time.
3. Upon receipt of the Appeal Hearing Notice, Temple began to seek qualified counsel to represent them.
4. Less than two (2) weeks after receiving the Appeal Hearing Notice, Temple met with and retained the undersigned counsel to represent them in the above captioned matter.
5. To date, counsel for Temple has not yet had the opportunity to obtain, much less review, the complete file regarding the above captioned matter.
6. In addition, March 16, 2006 is two (2) days following Town Meeting election day in the State of New Hampshire.
7. The new Board of Selectmen for the Town of Temple, as of the date of the Appeal Hearing, will not have yet assumed office. Thus, their ability to conduct and control litigation in this matter may be impaired.

8. Temple should be given sufficient time and opportunity to review records and prepare for the Appeal Hearing and the Board of Selectmen should have the opportunity to participate in the Appeal Hearing if they so choose.
9. Temple is likely to be denied those opportunities unless the Appeal Hearing is continued.
10. Counsel for the Town of Temple is available to conduct the Appeal Hearing at either the April 2006 or July 2006 Waste Management Council meetings.
11. Counsel for the Town of Temple has contacted the Appellant, Rae Barnhisel who objects to this request.
12. Counsel for the Department of Environmental Services, Anthony Blenkinsop has assented to this request.


WHEREFORE, the Town of Temple respectfully requests this Honorable Council grant the following relief:

- A. Grant this Motion to Continue; and
- B. Grant such other relief as this Council deems just and proper.

Respectfully submitted,

Town of Temple
By Its Attorneys
COOK & MOLAN, P.A.

Date: March 3, 2006

By: 
Byron Bedard, Esq.
100 Hall Street, P.O. Box 1465
Concord, NH 03302-1465
(603) 225-3323

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was this day mailed, via first class mail, postage prepaid, to Dr. Rae Barnhisel, 161, Fish Road, Temple, New Hampshire 03084 and Anthony I. Blenkinsop, Assistant Attorney General, Office of Attorney General, Environmental Protection Bureau, 33 Capitol Street, Concord, New Hampshire 03301.

COPY
Biron Bedard, Esq.
